

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

**OUTMEMPHIS; MICHELLE)
ANDERSON; JANE DOE 2;)
JANE DOE 3; and JANE DOE 4,)**

Plaintiffs,)

v.)

**BILL LEE, in his official capacity as)
Governor of Tennessee; JONATHAN)
SKRMETTI, in his official capacity as)
Attorney General and Reporter of)
Tennessee; DAVID RAUSCH, in his)
official capacity as Director of the)
Tennessee Bureau of Investigation;)
and FRANK STRADA, in his official)
capacity as Commissioner of the)
Tennessee Department of Correction,)**

Defendants.)

-----)
UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

**STATE OF TENNESSEE, and)
TENNESSEE BUREAU OF)
INVESTIGATION,)**

Defendants.)

**Case Nos. 2:23-cv-2670
 2:24-cv-02101**

Chief Judge Lipman

STATE ENTITIES' MOTION TO DISMISS

Defendants the State of Tennessee and the Tennessee Bureau of Investigation ("State Entities") hereby move to dismiss the federal government's complaint in its entirety pursuant to Fed. R. Civ. P. 12(b)(1) and (6).

As set out in the accompanying memorandum, the Complaint should be dismissed for four reasons. First, Congress did not authorize the U.S. Attorney General to sue States under Title II of the ADA. Second, the allegations in the federal government's complaint would not state a claim under Title II even if the U.S. Attorney General were authorized to sue. Third, the federal government has also failed to sue a defendant with power to enforce the challenged statutes. Fourth, and finally, the Complaint seeks sweeping injunctive relief that is beyond the jurisdiction of this Court to grant.

Accordingly, the Complaint against the State Entities should be dismissed entirely.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing was filed and served via the Court's electronic filing system on this the 10th day of April 2024, upon:

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